

Final Case Report
Sylvia Taylor

Family Makeup

Sylvia Taylor	DOB 27/08/1946	
Jesse Taylor	DOB 24/08/1948	Husband

Background

Sylvia Taylor previously made a homeless application to Basildon District Council on the 29th June 2007. On the 2nd August 2007 a decision was issued that she was homeless intentionally. Mrs Taylor made a new homeless application to Basildon District Council on the 11th February 2009. She is still living at Merryfield, Hovefield Drive and has not had any changes in her circumstances since making her previous application.

Firstly I have considered if Mrs Taylor is eligible for assistance. She has provided a copy of her birth certificate and a copy of her marriage certificate as proof of her change of name. I am, therefore, satisfied that she is eligible for assistance.

Next I have considered if she is homeless.

Section 175.2(b) of the Housing Act 1996 states that a person is homeless if he has accommodation but it consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is not place where he is entitled or permitted both to place it and to reside in it.

Mrs Taylor is currently living in a caravan at Merryfields, Hovefields Avenue. She has been here since May 2002. The site has not been granted planning permission. Mrs Taylor is therefore, homeless because she has no place where she is permitted to reside in her caravan.

Thirdly I have considered if Mrs Taylor is in priority need for accommodation.

Section 189.1(c) of the Housing Act 1996 states that an applicant is in priority need for accommodation if they are vulnerable as a result of old age, physical disability, mental illness or incapacity or other special reason. Vulnerability is defined as being, when homeless, less able to fend for themselves than the average homeless person so that injury or detriment will occur in circumstances where a less vulnerable person would be able to cope without ill effects (R v Camden LBC ex parte Pereira 1996).

Mrs Taylor is currently aged 62 and also suffers from a number of medical conditions including type two diabetes. Given this I am satisfied that she is more vulnerable than the average homeless person and, therefore, is in priority need for accommodation.

Next I have considered if Mrs Taylor is intentionally homeless.

When Mrs Taylor made her previous homeless application in June 2007 it was decided that her last settled accommodation was Cranham Hall, an authorised caravan

site in Chelmsford. Mrs Taylor stated that she left because she felt she was being victimised by the other residents and that they were harassing her. Enquires were made with Essex County Council who manage the site and they advised that Mr and Mrs Taylor gave up their plot and they had no reports of harassment. Consequently a decision was issued that Mrs Taylor was intentionally homeless. Since this decision was issued Mrs Taylor has continued to live at Merryfields, Hovefields Drive. She has not had any changes in her circumstances.

Mrs Taylor is homeless because the site on which she lives has not been granted planning permission. Though Mrs Taylor has lived there since May 2002 she has always been considered homeless, as she has no legal right to occupy it. At interview Mrs Taylor confirmed that when she moved onto the site she knew that it did not have planning permission but she hoped it would be granted in the future. The first application for planning permission was submitted on the 24th March 2009, almost two months before Mrs Taylor moved onto the site. As Merryfields, Hovefields Drive cannot be considered to be settled accommodation I have looked back at Mrs Taylor's previous accommodation which was Plot 4, Cranford Hall, Chelmsford.

At interview Mrs Taylor stated that she left the site at Cranford Hall because she was very unhappy living there. She stated that almost all the other plots were occupied by one family and they kept making complaints about them. Mrs Taylor stated that the complaints were about things like them keeping horses and a horse box on the site and about where they parked a lorry. These complaints were the only form of harassment.

Mrs Taylor stated that the Council were going to take her to court but she wrote a letter stating that all the other families on the site were doing the same thing and she also attended a meeting and it was decided not to take them to court. Mrs Taylor has provided a copy of a letter she sent to Essex County Council.

I have contacted Essex County Council, who manages Cranford Hall, and they have no record of complaints being made about Mr and Mrs Taylor or by them. No action to evict them was taken. They did advise that there may have been issues involved a lorry being packed on a piece of land behind the site but they would not have any involvement with this as the land is not part of the site. The person who Mrs Taylor stated she met with is no longer working there.

Section 191.1 of the Housing Act 1996 states that an applicant becomes homeless intentionally if they deliberately do or fail to do anything in consequence of which they cease to occupy accommodation...

Mrs Taylor's homelessness results from her decision to leave her site at Cranham Hall to move onto an unauthorised site at Hovefields Drive. When considering if this constitutes a deliberate act on her part I have paid regard to Section 11.17 of the Code of Guidance, which states that...

Generally, an act or omission should not be considered deliberate where

- ii) *the housing authority have reason to believe the applicant is incapable of managing his or her own affairs, for example, by reason of age, mental illness or disability;*

I have no reason to believe that Mrs Taylor is incapable of managing her own affairs. For example she has been able to seek and obtain legal advice.

- iii) *the act or omission was the result of limited mental capacity; or a temporary aberration or aberrations caused by mental illness frailty or an assessed substance abuse problem.*

I have no reason to believe that Mrs Taylor suffers from limited mental capacity or an assessed substance abuse problem. Mrs Taylor has stated that she was suffering from depression at the time she left Cranford Hall and that she was prescribed anti-depressants by her GP. There is nothing to indicate that she was suffering from a severe or unstable mental illness, which affected her judgment. She was not under the care of a psychiatrist or the Community Mental Health Team. She did not require any further treatment.

- iv) *the act or omission was made when the applicant was under duress;*

I have no reason to believe that Mrs Taylor acted under duress.

- v) *imprudence or lack of foresight on the part of the applicant led to homelessness but the act or omission was in good faith.*

I am satisfied that Mrs Taylor did not act in good faith when she left Cranford Hall to live at Merryfields. She was fully aware that Merryfields had not been granted planning permission for use as a caravan site. Planning permission was first applied for on the 24th March 2002. Mr and Mrs Taylor moved onto the site in May 2002. She was aware that planning permission could be refused.

...that is available for their occupation...

Cranford Hall is an authorised caravan site and they were not at risk of being evicted.

...and which would have been reasonable for them to continue to occupy.

Cranford Hall is an authorised caravan site which is Mrs Taylor's preferred form of accommodation. She was able to claim housing benefit for the rent.

I have found no records of the other residents making complaints about Mr and Mrs Taylor. Given the period of time that has passed I accept that it is possible that complaints were made at the time but there are no records. However even if complaints were made it would not make it unreasonable for them to remain there. They were not being threatened or at risk of violence. I have taken into consideration the fact that Mrs Taylor states that she was unhappy living at Cranford Hall but this alone does not make it unreasonable for her to be expected to remain there.

Having considered all the available information I am satisfied that Mrs Taylor's homelessness results from her voluntary ceasing to occupy accommodation, at Plot 4, Cranford Hall, Chelmsford, which was both available for her occupation and

reasonable for her to continue to occupy. I am also satisfied that this action constitutes a deliberate act on her part. She is, therefore, intentionally homeless.

Decision

Eligibility S185

The applicant is eligible for assistance.

A copy of her birth certificate is on file.

Homelessness S175.2(b) Code of Guidance 8.17

The applicant has accommodation, which consists of a caravan but has no place where she is legally entitled to both place it and reside in it.

Priority Need S189.1(c) Code of Guidance 10.15

The applicant is vulnerable due to age.

Intentional Homelessness S191.1 Code of Guidance 11.11, 11.17

The applicant is intentionally homeless.

The applicant's homelessness results from her voluntarily ceasing to occupy accommodation, which was both available for her occupation and reasonable for her to continue to occupy.

Ms L Richardson

Homelessness Officer

20/04/2009